

DRAFT

FALKIRK COUNCIL

MINUTE of MEETING of the EXECUTIVE held within the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 2 DECEMBER 2014 at 9.30 am.

COUNCILLORS:

Jim Blackwood
Dennis Goldie
Gerry Goldie
Linda Gow
Adrian Mahoney
Craig Martin (Convener)
Dr Craig R Martin
Malcolm Nicol
Alan Nimmo
Robert Spears

OFFICERS:

Robin Baird, Waste Strategy Co-Ordinator
Rose Mary Glackin, Chief Governance Officer
Robert McMaster, Head of Roads & Design
Brian Pirie, Democratic Services Manager
Mary Pitcaithly, Chief Executive
Pete Reid, Manager (Growth & Investment)
Stuart Ritchie, Director of Corporate & Neighbourhood Services
Bryan Smail, Chief Finance Officer

ALSO ATTENDING:

Provost Reid

EX79. APOLOGIES

No apologies were intimated.

EX80. DECLARATIONS OF INTEREST

No declarations were made.

EX81. MINUTE

Decision

The minute of meeting of the Executive held on 11 November 2014 was approved.

EX82. ORDER OF BUSINESS

In accordance with Standing Order 14.2(i), the convener varied the order of business from that shown on the agenda. The following items have been recorded in the order they were taken at the meeting.

EX83. SCRUTINY PANEL – CONCLUSIONS AND RECOMMENDATIONS: APPOINTMENT OF ELECTED MEMBERS TO OUTSIDE ORGANISATIONS

The Executive considered a report by the Chief Governance Officer presenting the scrutiny committee's recommendations in regard to a scrutiny panel review of elected member participation on outside organisations.

The scrutiny committee established a scrutiny panel, in November 2013, to examine the appointment of elected members to external organisations and the process for reporting to the Council. The panel reported its findings to the committee on 31 October 2014 (ref SC42) and these, together with a recommendation from the committee in regard to reporting to Council, were presented to the Executive for consideration.

The panel, comprising Provost Reid and Councillors Black and McLuckie, met on 3 occasions and had, as part of its review, issued three surveys to inform its deliberations.

The panel recommended the following three principles in regard to the appointment of elected members to outside bodies, namely:-

- (i) where there is a strategic benefit to the Council in appointing to a national or regional body (such as COSLA), it would be appropriate to consider making such an appointment. However, each request should be considered on a case by case basis;
- (ii) for those organisations which fall within the Following the Public Pound regime Council does not appoint an elected member to the organisation; and
- (iii) where the organisation does not operate at a strategic level and is not funded/part-funded by the Council, Council should consider each request on a case by case basis to ensure that an appointment would benefit the Council.

The panel also considered that appropriate training should be provided, by the Council, or the organisation, when an appointment is made to ensure that the Council's representative is fully able to undertake their role.

The panel provided a summary of its recommendations in regard to each of the Council's appointments to those outside organisations within the scope of its review having applied the principles set out above.

The panel's recommendations were considered and approved by the scrutiny committee on 31 October 2014 and these, together with a recommendation from the scrutiny committee that reporting back should take place and should be done through the inclusion of outside organisations' minutes in the Minute Volume were before the Executive.

In terms of the Scheme of Delegation the appointment of members to outside bodies is reserved for Council and as such the Executive was invited to consider the committee's recommendations and refer these to Council.

Provost Reid, as both chair of the panel and convener of the scrutiny committee provided an overview of the work of the panel and of the recommendations before the Executive.

Decision

The Executive agreed to recommend to Council that:-

- (1) the following principles be adopted in regard to the appointment of elected members to outside organisations:**
 - (i) where there is strategic benefit to the Council in appointing to a national or regional body (such as COSLA), it would be appropriate to consider making such an appointment. However, each request should be considered on a case by case basis;**
 - (ii) for those organisations which fall within the Following the Public Pound regime Council does not appoint an elected member to the organisation; and**
 - (iii) where the organisation does not operate at a strategic level and is not funded by the Council, Council should consider each request on a case by case basis to ensure that an appointment would benefit the Council.**
- (2) based on these principles, Council considers the recommendations in respect of current appointments, set out in appendix 5 of the appended report;**
- (3) when appointments are made training should be available – by the organisation and/or Council to ensure that the elected members are fully able to undertake the role of Council representative; and**
- (4) reporting back should take place and should be done through the inclusion of outside organisations' minutes in the minute volume.**

EX84. DENNY TOWN CENTRE REGENERATION CAPITAL GRANT FUND APPLICATION

A motion regarding an application for capital grant funding for Denny Town Centre had been referred to the Executive by Council on 12 November 2014 (ref FC49).

With no mover for the motion, the motion was dropped.

Decision

The motion was dropped.

Noted that the entirety of the additional funds awarded by the Scottish Government would be spent on the Denny Town Centre Regeneration Project and that the total project cost amounted to £7.6m.

Councillor Gow joined the meeting during the previous item.

EX85. REFFERALS FROM JOINT CONSULTATIVE COMMITTEE – 12 NOVEMBER 2014

- **RISK MANAGEMENT BY RISK ASSESSMENT**
- **POLICY & PROCEDURE FOR THE MANAGEMENT OF OCCUPATIONAL HEALTH MONITORING & SURVEILLANCE**

The Executive considered a report by the Director of Corporate and Neighbourhood Services seeking approval of the Risk Management by Risk Assessment policy and the policy and procedure for the Management of Occupational Health Monitoring and Surveillance which had been referred to the Executive for approval by the Joint Consultative Committee on 12 November 2014 (ref JCC31)

Decision

The Executive approved the Risk Management by Risk Assessment policy and the policy and procedure for the Management of Occupational Health Monitoring and Surveillance.

EX86. WELFARE REFORM UPDATE

The Executive considered a report by the Director of Corporate and Neighbourhood Services and the Chief Finance Officer providing an update on how the Council is responding to the welfare reform changes.

The report provided an update on:-

- Size criteria mitigation
- Discretionary Housing Payments (DHPs) (non size criteria cases)
- DHP and universal credit

- Single fraud investigation and the introduction of the Fraud and Error Service
- The Welfare Funds (Scotland) Bill;
- The introduction and role of Tenancy Sustainment officers
- Research carried out to understand customer support requirements;
- The introduction of a pilot project to improve support for customers with complex needs (Buildings Resilience);
- The roll out of Universal Credit and the roll out of Universal Support – Delivered Locally; and
- The future of Housing Benefit in light of the publication of the Smith Commission report.

In regard to size criteria mitigation, the Scottish Government had significantly increased the Discretionary Housing Payments (DHP) funding available to Local Authorities with a commitment to enable social landlords to fully mitigate the housing benefit loss in 2014/15. In September 2014, £12m was made available to 20 Councils including Falkirk Council. A further £3m will be available to Local Authorities in May 2015 when the actual DHP spend for 2014/15 is known.

The projected Housing Benefit loss due to size criteria restrictions is currently projected to be £1,345,017. The total confirmed funding for 2014/15 is £1,213,695, resulting in a projected shortfall of £131,322. At the current time there has been no confirmation that funding will be made available to offset the projected shortfall.

Decision

The Executive agreed:-

- (1) to note the content of the report and the future changes to benefits and the impact this will have on Council services;**
- (2) to note the update on size criteria mitigation and that the Discretionary Housing Payments Policy approved in May 2013 will not apply for cases relating to size criteria restrictions as described in section 2 of the report;**
- (3) to note the findings of the work undertaken to understand our customer requirements and that a report on the outcomes of the work arising from this report will come back to Members in due course;**
- (4) to take the opportunity to attend an Elected Members' Mental Health Awareness session; and**
- (5) to note the timescales for roll out of Universal Credit and to engage with the Department of Work and Pensions to explore how Universal Support – Delivered Locally could be delivered and the implications for Council services and citizens in receipt of support.**

EX87. FALKIRK COUNCIL BIODIVERSITY DUTY REPORT 2011 – 2014

The Executive considered a report by the Director of Development Services presenting the Council's Biodiversity Duty Report 2011-14.

In terms of the Nature Conservation (Scotland) Act (2004), "it is the duty of every public body and office holder, in exercising any functions, to further the conservation of biodiversity so far as is consistent with the proper exercise of those functions". This is the Biodiversity Duty. The Wildlife and Natural Environment Act (2011) requires all public bodies to report on the delivery of their Biodiversity Duty every 3 years. The deadline for the submission of the first report to the Scottish Government is 31 December 2014.

An overview of the Falkirk Council Biodiversity Duty report for 2011-14 was provided together with the report.

Following approval by the Scottish Government, the report will be available on the Council's website and in hard copy on request.

Decision

The Executive agreed:-

- (1) the Biodiversity Duty Report as appended to the report; and**
- (2) that it be submitted to the Scottish Government and made publicly available prior to the reporting deadline of 31 December 2014.**

EX88. TOURISM STRATEGY UPDATE

The Executive considered a report by the Director of Development Services providing an update on the development of a tourism strategy.

The Executive established a policy development panel, on 17 June 2014 (ref EX27), to develop a tourism strategy and requested that a draft strategy be submitted by November 2014.

A draft strategy was provided, however the panel now sought authority to further consult on the terms of the draft, in particular with the tourism trade, in order to develop the document. It was anticipated that the panel would submit a final draft strategy to the Executive in February/March 2015 following consultation.

Decision

The Executive agreed to:-

- (1) extend the timetable for agreeing a tourism strategy;**
- (2) approve the draft strategy as appended to the report, for consultation; and**

- (3) authorise the Director of Development Services to undertake further consultation and update the strategy for the Executive's consideration and approval in February/March 2015.**

EX89. NATIONAL ROADS DEVELOPMENT GUIDE

The Executive considered a report by the Director of Development Services proposing that Council adopts the National Roads Development Guide, with local variations, as the standard for roads within new housing developments.

The Council's current guidance standards for roads had been in place since 1997 and, as a consequence of significant national and local policy changes in the period since then, is no longer fit for purpose.

It was proposed that Council adopt the National Policy Development Guide as its guidelines for roads within new housing developments – subject to the incorporation of local variations. The proposed variations were set out in appendix to the report.

Decision

The Executive agreed to:-

- (1) adopt the National Roads Development Guide for roads within new housing developments in the Falkirk Council area subject to inclusion of the local variations identified in the appendix to the report; and**
- (2) authorise the Director of Development Services to make local variations to the document in future, arising from local experience, new legislation and any relevant changes to future design standards.**

EX90. TREASURY MANAGEMENT INTERIM REVIEW 2014 - 15

The Executive considered a report by the Chief Finance Officer presenting a mid-year review of the Council's Treasury Management function.

Council approved its Treasury Management strategy for 2014/15 at its meeting on 14 May 2014 (ref FC6). A summary of the mid-year review of the strategy was provided together with the position of the Treasury Management Prudential Indicators.

The report provided an update in regard to:-

- the economic and interest rate outlook;
- the borrowing strategy; and
- the investment strategy

Decision

The Executive agreed to:-

- (1) note the progress of the Council's Treasury Management strategy for 2014/15;**
- (2) note the changes to the credit methodology set out section 4 of the report; and**
- (3) refer the report to Council for consideration.**

EX91. MOBILE WORKING

The Executive considered a report by the Director of Corporate and Neighbourhood Services detailing a project to introduce mobile and flexible working throughout the Council.

The Executive agreed a technology strategy on 18 March 2014 (ref EX138) which set out the need for a secure approach to mobile and flexible working. A project to consider and test technology which would provide flexible and collaborative working was set out.

The report summarised the concept of mobile and flexible working - where work is considered an activity rather than place - summarised its benefits and set out the estimated costs and timescale for the roll out of the project.

It was anticipated that the project would deliver practical benefits including:-

- freeing staff from deskbound working;
- the reduction of current fixed and allocated workstations across the estate thereby allowing rationalisation of the Council's property portfolio;
- an improvement in the costs of and efficiency of working practices;
- the sharing of working practices across Services; and
- the delivery of services within a Public Sector Network (PSN) compliant environment.

In addition it was anticipated that financial benefits would be realised:-

- by providing virtual desktop infrastructure;
- through the administration of IT through servers and by centralising the resolution of IT issues;
- through management of the procurement of software and application licencing;
- by reducing back office overhead costs; and
- through the rationalisation of assets.

It was estimated that the cost of the project would be £1,770,000. The report summarised the elements contributing to this, highlighting the project management issues and risks associated with delivering the project together with a timetable for project delivery.

Decision

The Executive agreed:-

- (1) to note the content of the report;**
- (2) that the Director of Corporate and Neighbourhood Services will take forward the project in accordance with the proposed works detailed in paragraph 4 of the report; and**
- (3) to note that any contracts awarded will be in full compliance with Contract Standing Orders.**

EX92. LEADER EUROPEAN FUNDING PROGRAMME 2014 – 2020

The Executive considered a report by the Director of Corporate and Neighbourhood Services recommending that Falkirk Council undertakes the role of the accountable body on the Kelvin Valley and Falkirk LEADER programme Local Action Group.

Falkirk Council joined the then Kelvin Valley Local Action Group (LAG) on 14 January 2014 (ref EX105) to form the Kelvin Valley and Falkirk LAG in order to access funding from the LEADER European funding programme 2014-2020. It was now proposed that Falkirk Council undertake the role of accountable body within the LAG from the LEADER programme. The role is separate from the Council's role on the LAG board and is restricted to administering the financial and staffing systems which support the LAG Board. The report set out the benefits to Falkirk Council and the commitment involved, including recruitment, from existing resources, of support staff.

Decision

The Executive agreed:-

- (1) subject to successful internal recruitment, to undertake the role of accountable body for Kelvin Valley and Falkirk 2014-2020 LEADER programme;**
- (2) to note that a service level agreement will be formalised with the Scottish Government in regard to the service to be provided; and**
- (3) to request that Kelvin Valley and Falkirk LEADER Local Action Group confirms it will resource the LEADER staff to fully support the functions of the accountable body, within the budget conditions set by the Scottish Government.**

EX93. EUROPEAN STRUCTURAL AND INVESTMENT FUNDS

The Executive considered a report by the Director of Development Services providing an update on European Structural and Investment Funds (ESIF) and setting out opportunities and challenges for the Council.

The European Commission (EU) adopted a partnership agreement with the UK in October 2014 on the use of European Union Structural and Investment Funds (ESIF) 2014-20 to help tackle unemployment and boost competitiveness and economic growth through support for innovation, training and education. The ESIF in the UK are:-

- European Regional Development Fund (ERDF);
- European Social Fund (ESF);
- European Maritime and Fisheries Fund (EMFF); and
- European Agricultural Fund for Rural Development (EAFRD).

The Scottish Government developed an Operating Programme for ERDF and ESF in partnership with local authorities and partner agencies and it is anticipated that £1.3bn of EU funding will be available across the programme.

Funds for the Operational Programme will be targeted through investment priorities known as strategic interventions. Of the 14 strategic interventions in the 2014–2020 Operating Programme, local authorities will have a lead partner role in 3, namely:-

- Business competitiveness;
- Employability pipelines; and
- poverty and social inclusion (enhanced employability pipelines)

The report highlighted the key responsibilities of lead partners together with the current position in regard to the 3 strategic interventions set out above.

Decision

The Executive agreed to:-

- (1) note the proposed structure and model of delivery for the new European Structural and Investment Funds Programme 2014-2020;**
- (2) Falkirk Council acting as a lead partner in the strategic interventions outlined in section 2 of the report;**
- (3) in principle, provide the match funding required to access the maximum allocation available to Falkirk Council, subject to final decisions on resources to be made available as part of the budget setting process;**
- (4) authorise officers to proceed and submit the proposed programme of interventions as outlined in section 3 of the report;**

- (6) note the management and administrative requirements involved in delivering the programme;
- (7) seek technical assistance support to ensure compliance; and
- (8) receive a full report once the programmes and national agreement have been finalised.

EX94. FREE CAR PARKING INITIATIVES FALKIRK TOWN CENTRE

The Executive considered a report by the Director of Development Services recommending the continuation of the “Free after Three” and festive free car parking initiatives in 2014/15.

The Executive agreed on 14 January 2014 (ref EX109) to introduce a “Free after Three” car parking initiative in its Falkirk town centre car parks until the start of the festive free parking period beginning on 8 December 2014.

As a consequence of the introduction of the “Free after Three” initiative parking revenues had decreased by £44,000. It was projected that by the end of the festive free parking period this would increase to £74,000. The loss is unbudgeted and will contribute to the budget overspend.

An evaluation, by Falkirk Delivers, of the “Free after Three” initiative was provided together with a summary of the costs and implications of four options before the Executive for consideration in regard to car park initiatives:-

- maintain both “Free after Three” and festive free car parking initiatives;
- maintain annual “Free after Three” initiative but withdraw festive free car parking
- maintain festive free car parking but do not continue “Free after Three” initiative; and
- do not proceed with either initiative.

Decision

The Executive agreed to:-

- (1) note the impact and evaluation of the “Free After Three” initiative on Falkirk town centre businesses and shoppers;
- (2) note the impact of both the “Free After Three” and free festive car parking initiatives on annual revenue budgets at £79k annually;
- (3) continue both initiatives during 2014/15; and
- (4) consider the longer term prospect for these initiatives at the Council budget setting meeting on 11 February 2015.

EX95. EXCLUSION OF PUBLIC

The Executive agreed in terms of s50A(4) of the Local Government (Scotland) Act 1973, to exclude the press and public from the meeting for the following item of business on the ground that it would involve the likely disclosure of exempt information as defined in Paragraph 12 of Part 1 of Schedule 7A to the said Act.

EX96. URGENT BUSINESS

The convener stated that, in accordance with Standing Order 9.1, he had determined that an additional item of business should be added to the agenda, namely a report by the Director of Development Services concerning a contract. The convener was of the opinion that the item should be considered as a matter of urgency because of the proposed timescales involved.

EX97. CONTRACT FOR THE PROVISION OF DRY RECYCLATE SEGREGATION AND RESALE SERVICE

The Executive considered a report by the Director of Development Services concerning a contract.

This item is exempt from publication on the grounds that it would involve the disclosure of exempt information as defined in Paragraph 12 of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.